

Joseph R. Saveri (State Bar No. 130064)  
Cadio Zirpoli (State Bar No. 179108)  
Christopher K.L. Young (State Bar No. 318371)  
Holden Benon (State Bar No. 325847)  
Kathleen J. McMahon (State Bar No. 340007)  
**JOSEPH SAVERI LAW FIRM, LLP**  
601 California Street, Suite 1000  
San Francisco, California 94108  
Telephone: (415) 500-6800  
Facsimile: (415) 395-9940  
Email: jsaveri@saverilawfirm.com  
czirpoli@saverilawfirm.com  
cyoung@saverilawfirm.com  
hbenon@saverilawfirm.com  
kcmcmahon@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)  
1920 Hillhurst Avenue, #406  
Los Angeles, CA 90027  
Telephone: (323) 968-2632  
Facsimile: (415) 395-9940  
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)  
**CAFFERTY CLOBES MERIWETHER  
& SPRENGEL LLP**  
205 N. Monroe Street  
Media, PA 19063  
Telephone: (215) 864-2800  
Email: bclobes@caffertyclobes.com

*Counsel for Individual and Representative  
Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, Sarah Silverman, Christopher  
Golden, Michael Chabon, Ta-Nehisi Coates, Junot  
Díaz, Andrew Sean Greer, David Henry Hwang,  
Matthew Klam, Laura Lippman, Rachel Louise  
Snyder, Ayelet Waldman, and Jacqueline Woodson,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc., a Delaware corporation;

*Defendant.*

Case No. 3:23-cv-03417-VC

**JOINT ADMINISTRATIVE MOTION TO  
FILE DOCUMENT UNDER SEAL**

## I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiffs and Meta Platforms, Inc. (“Meta”) hereby jointly move the Court to seal narrow portions of Plaintiffs’ First Consolidated Amended Complaint (“FCAC”). Meta contends the portions sought to be filed under seal contain information that appear to reveal attorney-client privilege communications by a person unauthorized to do so. Accompanying this Motion is a proposed order and a redacted version of the FCAC for the public record.

## II. ARGUMENT

In the Ninth Circuit, when a party seeks to seal portions of a complaint, the compelling reasons standard is typically used. *See, e.g., In re NVIDIA Corp. Derivative Litig.*, C 06-06110 SBA, 2008 WL 1859067, at \*3 (N.D. Cal. Apr. 23, 2008); *Ojmar US, LLC v. Sec. People, Inc.*, No. 16-CV-04948-HSG, 2016 WL 6091543, at \*2 (N.D. Cal. Oct. 19, 2016); *see also In re ZF-TRW Airbag Control Units Prod. Liab. Litig.*, No. ML1902905JAKFFMX, 2020 WL 13688234, at \*3 (C.D. Cal. Sept. 7, 2020) (“Although the Ninth Circuit appears not to have explicitly stated what standard applies to the sealing of a complaint, many courts in this district and elsewhere have found that the compelling reasons standard applies.”). This is because complaint is “the root, the foundation, the basis by which a suit arises and must be disposed of.” *NVIDIA Corp. Derivative Litig.*, 2008 WL 1859067, at \*3.

Compelling reasons “outweigh the public’s interest in disclosure and justify sealing court records . . . when such ‘court files might have become a vehicle for improper purposes,’ such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets . . . .” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). The party seeking to seal bears the burden of showing compelling reasons apply. *See id.* at 1178.

Here, Meta contends that several passages in the First Consolidated Amended Complaint (ECF

No. 64) should be filed under seal because it asserts the identified portions contain unauthorized disclosure of information protected by the attorney-client privilege. Plaintiffs disagree and reserve all rights, including the right to challenge the privilege and any waiver. Plaintiffs, however, consent to the maintenance of the FCAC under seal in redacted form until the the Parties are able to fully discuss and resolve their dispute over the issue. The Parties therefore submit this motion in accordance with Local Rule 79-5 to protect the information in the meantime.

### III. CONCLUSION

The Parties request that the Paragraphs 55, 57, 60-63 of the FCAC be filed under seal. A redacted FCAC showing the narrowly-tailored portions that the Parties request be redacted from public view is filed herewith.

Dated: December 22, 2023

By: /s/ Joseph R. Saveri  
Joseph R. Saveri

Joseph R. Saveri (State Bar No. 130064)  
Cadio Zirpoli (State Bar No. 179108)  
Christopher K.L. Young (State Bar No. 318371)  
Holden Benon (State Bar No. 325847)  
Kathleen J. McMahon (State Bar No. 340007)  
**JOSEPH SAVERI LAW FIRM, LLP**  
601 California Street, Suite 1000  
San Francisco, California 94108  
Telephone: (415) 500-6800  
Facsimile: (415) 395-9940  
Email: jsaveri@saverilawfirm.com  
czirpoli@saverilawfirm.com  
cyoung@saverilawfirm.com  
hbenon@saverilawfirm.com  
kcmahon@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)  
1920 Hillhurst Avenue, #406  
Los Angeles, CA 90027  
Telephone: (323) 968-2632  
Facsimile: (415) 395-9940  
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)  
**CAFFERTY CLOBES MERIWETHER  
& SPRENGEL LLP**  
205 N. Monroe Street  
Media, PA 19063  
Telephone: 215-864-2800  
Email: bclobes@caffertyclobes.com

Alexander J. Sweatman (*pro hac vice anticipated*)  
**CAFFERTY CLOBES MERIWETHER  
& SPRENGEL LLP**  
135 South LaSalle Street, Suite 3210  
Chicago, IL 60603  
Telephone: 312-782-4880  
Email: asweatman@caffertyclobes.com

Daniel J. Muller (State Bar No. 193396)  
**VENTURA HERSEY & MULLER, LLP**  
1506 Hamilton Avenue  
San Jose, California 95125  
Telephone: (408) 512-3022  
Facsimile: (408) 512-3023  
Email: dmuller@venturahersey.com

*Counsel for Individual and Representative  
Plaintiffs and the Proposed Class*

Dated: December 22, 2023

By: /s/ Bobby Ghajar

Bobby Ghajar (State Bar No. 198719)  
Colette Ghazarian (State Bar No. 322235)

**COOLEY LLP**

1333 2nd Street, Suite 400  
Santa Monica, California 90401  
Telephone: (310) 883-6400  
Facsimile: (310) 883-6500

Mark Weinstein (State Bar No. 193043)  
Kathleen Hartnett (State Bar No. 314267)  
Judd Lauter (State Bar No. 290945)

**COOLEY LLP**

3175 Hanover Street  
Palo Alto, CA 94304-1130  
Telephone: (650) 843-5000  
Facsimile: (650) 849-7400

Mark A. Lemley (State Bar No. 155830)

**LEX LUMINA PLLC**

745 Fifth Avenue, Suite 500  
New York, NY 10151  
Telephone: (646) 898-2055  
Facsimile: (646) 906-8657

*Counsel for Defendant*

**FILER'S ATTESTATION**

Pursuant to Civil Local Rule 5-1(h)(3), I attest under penalty of perjury that concurrence in the filing of the foregoing document has been obtained from all other signatories to this document.

Dated: December 22, 2023

By: /s/ Joseph R. Saveri  
Joseph R. Saveri